

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of                    )  
  )  
Advanced Television Systems)  
and Their Impact Upon the    )  
Existing Television Broadcast)  
Service                            )

MM Docket No. 87-268

**REPLY COMMENTS OF**  
**TELEMUNDO GROUP, INC.**

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Telemundo Group, Inc. ("Telemundo"), except as noted in the following reply comments, supports the comments of the major broadcast associations -- the National Association of Broadcasters, the Association of Independent Television Stations, Inc., the Electronic Industries Association, the Association for Maximum Service Television, Inc. -- and the organization representing LPTV licensees, the Community Broadcasters Association.

**The Commission should not set a minimum HDTV programming requirement during the transition period.**

The comments of Association of Independent Television Stations, Inc. ("INTV") raise concerns applicable to smaller television networks as well as independent television stations. Telemundo agrees with INTV that requiring a minimum amount of HDTV programming, particularly in the early years of the transition period, will have a disproportionate, burdensome impact on

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independents and, furthermore, believes a minimum HDTV requirement will also negatively impact foreign language stations and networks such as Telemundo.

Many foreign language programs are produced outside the United States, where HDTV production is likely to lag production in the United States by several years. In addition, although the demand for foreign language programming in the United States has increased, it is still significantly less than that for English language programs. As a result, production companies, networks and stations producing programming in foreign languages will take considerably longer to recover the costs involved in equipping facilities for HDTV production.

Rather than attempt to set different standards for independent TV stations or stations broadcasting primarily in foreign languages, Telemundo urges the Commission to consider INTV's and National Association of Broadcasters' request that no minimum HDTV programming requirement be imposed on broadcasters. Once the transition to digital TV broadcasting is underway, the need for such a requirement can be examined under real market conditions.

While we understand the Electronic Industries Association's (EIA) desire for minimum HDTV programming requirements to encourage viewers to purchase ATV receivers, we feel it is premature to impose such a costly requirement on all broadcasters without regard to market demand. Indeed, the EIA must recognize that different markets exist for reception of ATV signals when it advises the Commission to "...resist the temptation to adopt rules that prescribe

the capabilities of ATV receivers” and “...allow marketplace forces, rather than government fiat, to guide the American public’s transition to ATV.”

**Cable TV Systems should be required to carry broadcasters’ ATV data stream without modification.**

Telemundo supports the EIA’s position that cable operators’ must-carry obligations must include broadcasters’ ATV programming and that carriage must be in a form compatible with broadcast ATV standards and TV sets. Indeed, as the EIA states in its comments “Resolving incompatibility problems through cable converter boxes is no solution at all.” The requirement for compatibility is special concern to Telemundo, a foreign language network and station group owner. There is little incentive for a cable subscriber desiring programs in a language other than English to pay for a set-top box to receive a few channels (at most) of foreign language programming. This places a special burden on our network’s audience and the audience of any broadcaster offering more specialized programming. This concern is in addition to the valid technical and operational concerns about incompatibilities raised by EIA in its comments.

Telemundo agrees with the National Association of Broadcasters (NAB) comments that “The ATSC digital ATV standard should be mandated for digital transmission for cable systems” to the extent it applies to carriage of over the air broadcast signals. Failure to do this will frustrate the efforts to build “cable ready” (or, perhaps more appropriately, considering cable’s influence - “broadcast TV capable”) television sets.

While we agree with the National Cable Television Association, Inc.'s (NCTA) assertion that the Commission should not stifle cable television by limiting use of innovative technologies to expand their multimedia offerings, we strongly disagree with the NCTA's request that the Commission not mandate compatibility with broadcast standards. At a minimum consumers should be able to receive broadcasters' ATV signals without use of a set-top box. The cable operator should not be allowed to erect a proprietary gateway for digital TV broadcasting.

Just as the NCTA wants its cable operators free to explore new approaches to digital delivery of nonbroadcast programs, a position we do not oppose, the NCTA should also recognize and accept broadcasters' desire to experiment with features and functions that maximize the flexibility inherent in the ATSC ATV system. Opportunities exist for providing new services to the public using nonvideo ancillary data. One new service might be over the air broadcasting of pages of information containing graphics such as those found on the World Wide Web. Local "Web-casting" services could provide an inexpensive way for community organizations, groups and advertisers to deliver their message to viewers. These opportunities will be squelched if cable companies are allowed to arbitrarily modify broadcasters' ATSC data streams and remove ancillary data streams.

**Low Power TV stations must be considered in early in the spectrum allocation and recovery rulemaking process.**

One area that the comments of the Association for Maximum Service Television, Inc., the National Association of Broadcasters and the Association of Independent Television Stations, Inc., among others, all failed to address was how licensees of translator and Low Power TV (LPTV) stations will fare in the Commission's spectrum allocation and recovery plans. Many

TV viewers depend on programming from LPTV and translator stations. Over seventy comments filed in support of LPTV provide some indication of the public interest served by these broadcasters. The Community Broadcasters Association's (CBA) comments provide specific evidence of the impact that loss of LPTV and translator service will have on the viewing public.

Telemundo subsidiaries own and operate twelve LPTV stations, four of which provide the only free, over the air Spanish language programming in their communities and two of which share the market with other LPTV Spanish language broadcasters only. Telemundo has over sixteen LPTV stations affiliated with it, providing Spanish language programming in markets as diverse as Yakima WA, Hartford CT, Phoenix AZ, Washington D.C., Lubbock TX, and Portland OR. Our experience validates the CBA's assertion that "The removal of service that the public enjoys and wants is simply not justified under any public interest standard."

The CBA filing offers several methods for ensuring the public does not lose this service.

Telemundo supports the CBA in its request for inclusion of LPTV stations in the allocation and spectrum recapture process and for the publication of separation and interference standards for use in determining channel availability for LPTV stations.

Telemundo does not support the CBA's request that full power broadcasters in a market, under certain circumstances, be obligated to make one of their compressed channels available for distribution of a displaced LPTV station's programming. A far better solution is to include LPTV stations in the allocation process.

Telemundo urges the Commission to consider the CBA's suggestion that the Commission set aside a group of channels for LPTV stations only. Setting aside a small amount of spectrum at the edges of the new ATV band for use as a guard band between high power broadcasters and other services such as PCS which work at very low power levels has the potential to reduce future interference problems in the recovered spectrum space. This increases the usefulness of the newly recovered spectrum and also provides for continued operation of LPTV stations after the digital transition, which, as filings by the CBA and numerous LPTV licenses demonstrate, serves the public interest.

The "Broadcasters' Proposed ATV Allotment/Assignment Approach", MM Docket No. 87-268 (January 13, 1995), filed by the Association for Maximum Service Television, Inc. showed that many VHF stations would require ATV powers in excess of one million watts effective radiated power to duplicate their coverage area. In contrast, most hand held UHF transmitters used for personal communication operate at power levels less than one watt. Any nonlinearities in the amplifier system of the ATV transmitter will cause the digital ATV signal to extend past the 6 MHz. channel allocated for ATV transmission. While filters will be used to significantly reduce these out of channel emissions, some residual level will remain.

Even if the broadcasters' out of channel emissions are reduced to nothing, communication receivers operating on frequencies adjacent to those used by full power ATV stations will require more extensive and expensive filtering to keep the signals from a station a million times more powerful out of the receiver. The CBA in its comments refers to existing interference

problems between full power broadcast stations and non- broadcast operations adjacent to the TV band. Future interference problems will likely be more difficult to resolve legally if one or more of the litigants has "purchased" the spectrum rights in auction.

TELEMUNDO NETWORK, INC.

A handwritten signature in black ink, appearing to be 'H. Douglas Lung', written over a horizontal line.

H. Douglas Lung  
Vice President - Engineering

1/16/96  
Date: January 16, 1996